



REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 21-49 are in the case.

I. CLAIM OBJECTIONS

Claims 31 and 33 have been objected to for the reasons stated on page 2 of the Action. In response, claim 31 has been amended to remove the language "in particular", and the deleted subject matter is now the subject of new claim 49. Claim 33 has been amended so as to correspond to original claim 10. No new matter is entered.

II. THE PRIOR ART REJECTIONS

Claims 21-23, 25-37, 39-41 and 43-48 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent 5,520,166 to Ritson, et al, in view of U.S. Patent 5,334,019 to Goldsmith. Claims 24, 38 and 42 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ritson in view of Goldsmith. Those rejections are respectfully traversed.

Ritson describes a medication cassette for an automatic aerosol medication delivery system. At column 8, line 60-63, Ritson discloses that the cassette components (i.e., housing, mouthpiece and canister) "cannot be non-destructively disassembled so that the cassette cannot be subsequently operatively reassembled and used." However, Ritson does not describe how and what should break during disassembly. Referring to the embodiment disclosed in Figs. 4 and 5, disassembly of the housing and the mouthpiece would likely result in deformation of the tabs 42 on the

housing and/or the corresponding apertures 28 on the mouthpiece, thereby only affecting the means for connecting the two components, and leaving the functional parts, including the nozzle block 21 and its support structure 29, unaffected. In that event, the Ritson mouth piece would still be functional and could be reused to actuate a canister in a simple manner, with or without the housing.

The amended claims specify that the outlet assembly (which directly corresponds to the mouth piece according to Ritson) is configured so as to deform and optionally break "to displace the nozzle block out of operable position". In the embodiment of the outlet assembly discussed in the specification, the nozzle block is supported by two upper and two lower connections between the mouth piece and the nozzle block, of which the two lower ones are configured to deform or optionally break upon withdrawal of the outlet assembly. As a result of this, the outlet assembly is permanently deformed and the nozzle block is displaced out of operable position, with insufficient support from the deformed or broken connections. Reuse is therefore more effectively prevented than in the prior art structures.

In light of the above, it is clear that Ritson does not anticipate the presently claimed invention. Withdrawal of the anticipation aspect of the rejection is respectfully requested.

With regard to obviousness, Ritson clearly does not suggest the invention as now claimed. There is nothing in Ritson which would have motivated one of ordinary skill to arrive at the structure as claimed whereby withdrawal of the outlet assembly causes deformation and optional breakage such as to displace the nozzle block out of operable position. As noted earlier, disassembly of the Ritson housing and the mouthpiece would

likely result in deformation of the tabs (42) on the housing and/or the corresponding apertures (28) on the mouthpiece, thereby only affecting the means for connecting the two components, and leaving the functional parts, including the nozzle block and its support structure, unaffected.

The above-noted deficiencies of Ritson are not cured by Goldsmith. Goldsmith is relied upon for an alleged disclosure of a breakaway tab for preventing reattachment and reuse of the nozzle. Goldsmith is otherwise irrelevant to the presently claimed invention. One of ordinary skill would not have been motivated to combine the disclosures of Ritson and Goldsmith and, even if such a combination had been attempted (it is believed that would not have occurred to one of ordinary skill), the presently claimed invention would not have resulted or have been rendered obvious thereby. Absent any such motivation, a *prima facie* case of obviousness does not exist in this case. Reconsideration and withdrawal of the outstanding obviousness rejection are accordingly respectfully requested.

Claims 24, 38 and 42 stand rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Ritson in view of Goldsmith. In response, these claims are dependent claims and, as such, incorporate the features of the independent claims which define novel and patentable subject matter over the cited art for the above reasons. No *prima facie* case of obviousness has been generated against these dependent claims. Withdrawal of the obviousness rejection of claims 24, 38 and 42 is respectfully requested.

III. SPECIFICATION

A new Abstract is presented on a separate sheet, which does not contain claim phraseology. Entry is requested.

IV. AMENDMENTS

Claims 21, 41 and 44 have been amended to clarify that at least a part of the outlet assembly is configured so as to deform and optionally break, "to displace the nozzle block out of operable position", on withdrawal of the outlet assembly from the main body. While the language "to displace the nozzle block out of operable position" does not appear specifically in the originally filed specification, it is believed that the proposed amendment is supported by the specification and drawings, since withdrawal of the outlet assembly (4) causes the lower connecting elements 36 (which connect the tubular section 18 and the nozzle block 20) to break or be permanently deformed (see, page 8, lines 21-24), thereby causing displacement of the nozzle block out of its operable position. No new matter is entered. Entry of the amended claims and favorable action are respectfully requested.

Respectfully submitted,

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